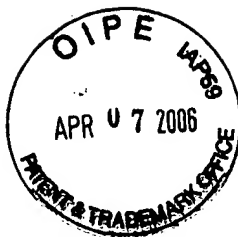


AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599



ATTORNEY DOCKET NO. 10991754-01

B IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Charles J Burnett

Serial No.: 09/556503

Examiner: Barry W. Taylor

Filing Date: April 24, 2000

Group Art Unit: 2643

Title: Apparatus And Method For Automated Testing Of The Quality Of Voice Communications Over Data Networks

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment ☐ Petition to extend time to respond
☐ New fee as calculated below ☐ Supplemental Declaration
☐ No additional fee (Address envelope to "Mail Stop Amendments")
☒ Other: Comment on Statement of Reasons for Allowance (Fee \$_____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 ST MONTH 120.00 <input type="checkbox"/>	2 ND MONTH 450.00 <input type="checkbox"/>	3 RD MONTH 1020.00 <input type="checkbox"/>	4 TH MONTH 1590.00 <input type="checkbox"/>		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2 5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Charles J Burnett

By

Cynthia S. Mitchell
Attorney/Agent for Applicant(s)

I hereby certify that this correspondence is being Deposited with the United States Postal Service as First class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 4-5-04

Typed Name: Marcella White

Signature: 

Reg. No. 36,081

Date: 7/8/04

Telephone No. 970 679 3136



Docket No.: 10991754-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Charles J. Burnett

Serial No. 09/556,503

Group Art Unit: 2643

Confirmation No. 7659

Filed: April 24, 2000

Examiner: Barry W. Taylor

For: APPARATUS AND METHOD FOR AUTOMATED TESTING OF THE QUALITY OF
VOICE COMMUNICATIONS OVER DATA NETWORKS

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability includes an Examiner's Statement of Reasons for Allowance.

Please note that MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Statement refers to various features that the Statement indicates are "as recited in independent claims 1, 11, 19 and 26". However, it is respectfully submitted that the features referred to in the Statement are from the specific claim language of claim 11. It is respectfully submitted that claims 1, 19 and 26 use different language than claim 11, and thereby recite different features than claim 11.

Therefore, it is respectfully submitted that the Statement improperly groups claims 1, 19 and 26 with the specific language of claim 11. It is respectfully submitted that such grouping of

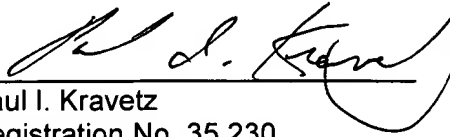
the claims is not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14.

It is further submitted that each claim speaks for itself and should not be interpreted based on the Examiner's grouping of claims in the Statement.

In summary, it is respectfully submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

Date: March 28, 2006

By: 
Paul I. Kravetz
Registration No. 35,230